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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tikva Vogel et al.
Serial No. : 09/492,971 Group Art Unit : 1653
Filed : January 27, 2000 Examiner: Rita Mitra
Title : FIBRIN BINDING DOMAIN POLYPEPTIDES AND USES
AND METHODS OF PRODUCING SAME

1185 Avenue of the Americas
New York, New York 10036
August 19, 2002

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

COMMUNICATION IN RESPONSE TO
JULY 17, 2002 NOTICE OF NON-COMPLIANT AMENDMENT

This Communication is submitted in response to a July 17, 2002 Notice Of Non-Compliant Amendment issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the July 17, 2002 Notice is due on August 17, 2002. However, since August 17, 2002 falls on a Saturday, a response filed on the next business day, i.e. Monday, August 19, 2002, shall be considered timely. Accordingly, this communication is being timely filed.

In the July 17, 2002 Notice, the Examiner states that applicants' May 16, 2002 Supplemental Amendment failed to comply with 37 C.F.R. §1.121(b)(1)(ii). Specifically, the Examiner required applicants to submit a clean version of the replacement paragraph originally submitted in applicants' May 16, 2002 Supplemental Amendment.

In response, applicants note that 37 C.F.R. §1.121(b)(1)(ii) relates to "[a]mendments to the specification", whereas applicants' May 16, 2002 Supplemental Amendment **did not** amend the

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specification, but rather clarified a paragraph in applicants' May 6, 2002 Amendment In Response To November 6, 2001 Office Action.

Since applicants's May 16, 2002 Supplemental Amendment did not amend a paragraph in the specification and was not filed under 37 C.F.R. §1.121(b)(1)(ii), the July 17, 2002 Notice was issued in error.

The foregoing was confirmed with Examiner Rita Mitra during an August 19, 2002 telephone conference between Examiner Mitra and Deepro Mukerjee, Esq., an associate for the law firm of Cooper & Dunham LLP, during which Examiner Mitra advised Mr. Mukerjee that applicants did not have to submit a clean version of the replacement paragraph since applicants' May 16, 2002 Supplemental Amendment addressed clarifications made to applicants' May 6, 2002 Amendment In Response To November 6, 2001 Office Action, and did not address changes to the specification.

In view of the foregoing comments, applicants respectfully note that the July 17, 2002 Notice was issued in error and request that the Notice be withdrawn.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invites the Examiner to telephone them at the number provided below.

Applicants: Tikva Vogel et al.
Serial No.: 09/492,971
Filed : January 27, 2000
Page 3

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Gary J. Gershik

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,
Washington, D.C. 20231.

Gary J. Gershik 8/12/02
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